



Attorney Docket No. 25727 *IPW*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Group Art Unit: 1654

SHAISH et al.

Examiner: Michele C. Flood

Serial No.: 10/668,601

Filed: September 24, 2003

Title: **THERAPEUTIC USES OF DUNALIELLA POWDER**

TRANSMITTAL LETTER

Commissioner of Patents  
P.O. Box 1450  
Alexandria, Va 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Information Disclosure Statement;
- (3) PTO Form 1449 citing 6 references with 6 references enclosed;
- (4) EP Search Report dated 02 February 2005.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**

By: 

Gary M. Nath  
Registration No. 26,965  
Lee C. Heiman  
Registration No. 41,827  
Customer No. 20529

Date: April 20, 2005  
NATH & ASSOCIATES PLLC  
1030 15<sup>th</sup> Street NW - 6<sup>th</sup> Floor  
Washington, D.C. 20005  
GMN/LCH/dd/IDS/FR



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Title: THERAPEUTIC USES OF DUNALIELLA POWDER

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. § 1.97-1.98. Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

- [ ] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.
- [ X ] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311.

The enclosed statement is accompanied by [check one]:

- [X] i. a certification in part (e) below as specified in 37 C.F.R. § 1.97(e), or
- [ ] ii. a check in the amount required by 37 C.F.R. § 1.17(p).

- [ ] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311, but before payment of the issue fee.

[ ] Certification report(e) below; and

[ ] a check in the amount as required by § 1.17(p).

- [ ] d. The enclosed statement is being filed pursuant to 37 C.F.R. § 1.97(i), for placement in the file.

- [ ] e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

☒ I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

☐ I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

☐ Appropriate certification is attached.

☒ f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

☒ g. Copies of the documents are attached herewith with a completed Form PTO-1449.

or

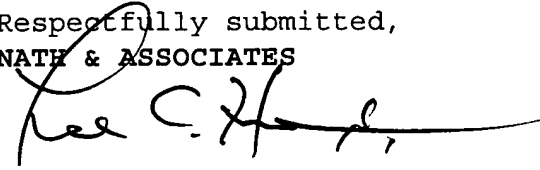
☐ Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:  
or Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,  
NATH & ASSOCIATES

By:

  
Gary M. Nath  
Registration No. 26,965  
Lee C. Heiman  
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Date: April 20, 2005

NATH & ASSOCIATES PLLC  
1030 15<sup>th</sup> Street, N.W., 6<sup>th</sup> Floor  
Washington, D.C. 20005  
Tel. (202) 775-8383  
Fax. (202) 775-8396  
GMN/TEH/dd (IDS.revisedNov03)



FORM PTO-1449

## INFORMATION DISCLOSURE CITATION

Atty Docket  
25727Serial No.  
10/668,601Applicant  
SHAISH et al.Filing Date  
September 24, 2003Group Art Unit  
1654

## U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
	A						
	B						

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub-Class	Translation
	C						
	D						
	E						

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	F	Takahashi, H., et al. "Decrease of the plasma cholesterol level by administration of Dunaliella extract in exogenous hypercholesterolemic mice" <u>Journal of the Aichi Medical University Assoc.</u> , vol. 28, no. 4, pp. 249-255, (2000) XP-002314572 abstract, database EMB-2000378484
	G	Itoh, Y.H., et al., "Inhibitory effect of Dunaliella 'beta'-carotene extracted from Dunaliella bardawil on plasma lipids of rats: Effect on lipid synthesis and excretion phase in Triton-induced intrinsic hyperlipidemia" <u>Journal of the Aichi Medical University Assoc.</u> , vol. 28, no. 4, pp. 263-271 (2000) XP002314573 abstract, database EMB-2000378485
	H	Ito Yoko, et al., "Inhibitory Effects of Administration Natural .BETA.-Carotene Derived from Dunaliella bardawil on Plasma Cholesterol Concentrations in Exogenous Hyperlipidemic Mice", <u>Japanese Journal of Applied Physiology</u> , vol. 29, no. 2, pp. 91-99 (1999) XP-002314574 abstract, database STN 990497471
	I	Huang, Jianxiang, et al., "The effects of beta-carotene from Dunaliella salina on experimental atherosclerosis in quails", <u>Qingdao Daxue Yixueyuan Xuebao</u> , 39(4), pp. 441-443 (2003) XP-002314575 abstract, database STN 2004:313857
	J	Sumi Ryo, et al., "Effects of Natural .Beta.-carotene Contained Dunaliella Hard Capsule on Human Hyperlipidemia", <u>Pharmacometrics</u> , vol. 66, no. 2, pp. 37-43, (2004) XP-002314576 abstract, database STN 1040472647
	K	Levy, Yishai, et al., "Dietary supplementation of a natural isomer mixture of beta-carotene inhibits oxidation of LDL derived from patients with diabetes mellitus" <u>Annals of Nutrition and Metabolism</u> , vol. 44, no. 2, pp. 54-60, (2000) XP009042880

Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609.

Draw line through citation if not in conformance and not considered.

Include copy of this form with next communication to Applicant.